

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

PAULA DISBERRY,

Plaintiff,

v.

EMPLOYEE RELATIONS COMMITTEE
OF THE COLGATE-PALMOLIVE
COMPANY, ALIGHT SOLUTIONS LLC,
AND BANK OF NEW YORK MELLON
CORPORATION,

Defendants.

Case No. 22-CV-5778-CM-OTW

**PLAINTIFF PAULA DISBERRY'S
NOTICE OF MOTION AND MOTION
FOR SUMMARY JUDGMENT**

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, Plaintiff Paula Disberry, by and through her undersigned counsel, respectfully requests that the Court grant summary judgment as to all of her claims in Plaintiff's Amended Complaint, ECF 77, against Defendant Employee Relations Committee of the Colgate-Palmolive Company (the "Committee") and Defendant Alight Solutions LLC ("Alight") (collectively, "Defendants"). As described in detail in Plaintiff's accompanying Memorandum in Support of Motion for Summary Judgment, the undisputed facts show that Defendants breached their ERISA fiduciary duties. In the alternative, should the Court determine that Alight is not an ERISA fiduciary, the undisputed facts show that Alight's acts and omissions constitute negligence under state law.

In support of her Motion, Plaintiff relies upon her Memorandum in Support of Motion for Summary Judgment, the accompanying Statement of Undisputed Material Facts in Support of Motion for Summary Judgment, the supporting Declaration of Paula Disberry, and the supporting Declaration of Kirsten Scott, as well as all exhibits thereto.

WHEREFORE, Plaintiff respectfully requests that the Court grant Plaintiff's Motion for Summary Judgment, and award Plaintiff appropriate relief.

Respectfully submitted,

RENAKER SCOTT LLP

Dated: November 8, 2023

/s/ Kirsten G. Scott

Kirsten G. Scott, *admitted pro hac vice*
Teresa S. Renaker, *admitted pro hac vice*
RENAKER SCOTT LLP
505 Montgomery Street, Suite 1125
San Francisco, CA 94111
Tel.: (415) 653-1733
Fax: (415) 752-5079
kirsten@renakerscott.com
teresa@renakerscott.com

Evan Brustein, Esq.
Brustein Law PLLC
299 Broadway, 17th Floor
New York, New York 10007
(212) 233-3900
evan@brusteinlaw.com

Attorneys for Plaintiff